

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

ANDREW HOWARD BRANNAN,	:	
	:	
Plaintiff	:	
	:	NO. 5:13-CV-0454 -MTT-MSH
VS.	:	
	:	
Commissioner BRIAN OWENS, et. al.	:	
	:	PROCEEDINGS UNDER 42 U.S.C. § 1983
Defendants	:	BEFORE THE U. S. MAGISTRATE JUDGE
	:	

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**ORDER**

Plaintiff Andrew Howard Brannan, a state prisoner currently confined at the Georgia Diagnostic and Classification Prison, in Jackson, Georgia, filed a *pro se* civil rights complaint in this Court seeking relief under 42 U.S.C. § 1983. After conducting a preliminary review of Plaintiff's Complaint, the undersigned found that Plaintiff stated cognizable claims against Defendants Rowles, Thorneloe, Humphrey, Owens, Scott and Fowlks and ordered that they be served. The undersigned recommended, however, that Plaintiff's Eighth Amendment claims against Defendants Humphrey, Carter, Clark, Parks, Walker, Jackson, Brown, and Roland be dismissed with leave to amend. The District Court adopted this recommendation. *See* Order, March 4, 2014 (Doc. 10).

Plaintiff has now amended his Complaint. The amendment (Doc. 16) alleges that, on January 15, 2013, a "shake down" was conducted in Plaintiff's unit and that the loud noises caused him to suffer a "psychotic breakdown." Defendants Carter, Clark, Parks, Walker, and Jackson (members of the prison's "CERT squad") responded to Plaintiff's cell

and ordered Plaintiff to walk toward the door so that he could be handcuffed. Plaintiff allegedly complied and was then instructed to “turn around [and] kneel down” in the back of his cell; he again complied. According to the amendment, Defendant Carter then ordered Clark, Parks, Walker, and Jackson to extract Plaintiff from his cell. The officers allegedly entered the cell, “scooped” Plaintiff up, and “slammed” him onto the concrete floor. Plaintiff was then allegedly punched multiple times in the ribs before he was lifted to his feet and taken to the infirmary. Plaintiff claims that Defendants broke his collarbone and three of his ribs.

These allegations, when viewed liberally and in the light most favorable to Plaintiff, are sufficient for Plaintiff’s Eighth Amendment claims against Defendants Carter, Clark, Parks, Walker, and Jackson to now go forward. It is thus **ORDERED** that service be made on these defendants and that they file an Answer or such other response as may be appropriate under Rule 12 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1915, and the Prison Litigation Reform Act. Defendants are further reminded of the duty to avoid unnecessary service expenses and of the possible imposition of expenses for failure to waive service pursuant to Rule 4(d).

**SO ORDERED**, this 14th day of April 2014.

/s/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE